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I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service as Express Mail, Label No. EM 006538835 US, on the date shown below in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
Dated: December 7, 2007 Signature: *Alma J. Woodberry*
(Alma J. Woodberry)

Docket No.: 59441(11259)
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Peter J. Quesenberry

Application No.: 10/562,086

Confirmation No.: 3235

Filed: December 23, 2005

Art Unit: 1657

For: METHODS OF PRODUCING
DIFFERENTIATED HEMATOPOIETIC
CELLS FOR TREATMENT OF CYTOPENIA

Examiner: Afremova, Vera

RESPONSE TO RESTRICTION REQUIREMENT

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the restriction requirement set forth in the Office Action mailed October 26, 2007, applicant hereby provisionally elects Group 1 (claims 1-13) for continued examination, with traverse.

The Examiner has required restriction between:

Group I, claims 1-13, drawn to a first method for producing hematopoietic cells from bone marrow cells.

Group II, claims 14-19, drawn to a first method for treating a subject having cytopenia by administering bone-marrow-derived hematopoietic cells.

Group III, claims 20-24, drawn to a first product of the bone marrow derived hematopoietic cells.



Application No.: 10/562,086

2

Docket No.: 59441(11259)

Group IV, claim 25, drawn to a second method for producing hematopoietic cells from bone marrow cells.

Group V, claims 26 and 27, drawn to a second method for treating a subject having cytopenia by administering bone-marrow-derived hematopoietic cells.

Group VI, claim 28, drawn to a second product of the bone marrow derived hematopoietic cells.

The Commissioner may require restriction if two or more independent and distinct inventions are claimed in a single application (37 CFR 1.142(a)). In the present case, although the claimed subject matter may be classified in different classes, the searches for each Group would significantly overlap.

If the Examiner is aware of another method to make the product as claimed, using a process which is materially different from that set forth in the restricted claims, applicant respectfully requests the Examiner to substantiate his position in greater detail. Otherwise, it is respectfully requested that the restriction requirement be withdrawn, and that each of claims 1-28 presently pending in this application be examined. Alternatively, Applicants respectfully request that the requirement be reviewed for possible rejoinder once any claims have been granted.

Dated: December 7, 2007

Respectfully submitted,

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